

**BRYAN CAVE LLP**

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Attorneys for Defendant  
 BANK OF AMERICA CORPORATION

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

ERY HERNANDEZ, an individual,

Case No. 11-CV-02004-HRL

Plaintiff,

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO CONTINUE DEFENDANT'S  
 DEADLINE TO RESPOND TO  
 PLAINTIFF'S COMPLAINT**

v.

BANK OF AMERICA CORPORATION and  
 DOES 1 through 50, inclusive,

Complaint Filed: March 25, 2011  
 Trial Date: Not set

Defendants.

**[N.D. Local Rule 6-2]**

**[Re: Docket No. 9]**

**TO THE COURT IN THE ABOVE ENTITLED ACTION:**

The parties in this action, through their counsel of record, hereby enter into the following stipulation.

1. Plaintiff in this action filed a Complaint in the Superior Court of California for the County of San Benito on March 25, 2011.

2. Prior to responding to the Complaint, Defendant removed the action to the United States District Court for the Northern District of California, Case No. 11-CV-02004 on April 25,

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1 2011.

2 3. On April 29, 2011 the parties filed a stipulation pursuant to N.D. Local Rule 6-1  
3 extending Defendant's time to respond to the Complaint until June 28, 2011.

4 4. The parties now make this stipulated request for an order further extending  
5 Defendant's time to respond to the Complaint until July 29, 2011. The parties wish to discuss  
6 settlement without incurring additional attorneys' fees and costs associated with formally  
7 responding to the Complaint.

8 5. An extension of time for Defendant to respond to the Complaint would not result in  
9 prejudice to any party to this action or to this Court.

10 6. An extension of time for Defendant to respond to the Complaint may affect the  
11 following dates and deadlines already fixed by Court order: (1) June 28, 2011, deadline for the  
12 parties to meet and confer pursuant to Federal Rule of Civil Procedure 26(f); (2) July 12, 2011,  
13 deadline to file joint case management statement and serve discovery plan and initial disclosures;  
14 (3) July 19, 2011, date of initial case management conference.

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1 Based on the foregoing, the Parties hereby stipulate as follows:

2 1. Defendant's time to respond to Plaintiff's Complaint shall be extended so that  
3 Defendant shall file its response to Plaintiff's Complaint on or before July 29, 2011.

4 2. The Trustee Sale with respect to real property located at 320 Primavera Drive,  
5 Hollister, California 95023 shall be postponed until no earlier than August 1, 2011.

6 3. The parties request that the initial case management conference, currently set for  
7 July 19, 2011, be continued until August 30, 2011 or such future date as the Court shall determine.

8  
9 Dated: June 6, 2011

**THE LAW OFFICE OF WENDELL J. JONES**

10 By: /s/ Wendell J. Jones

11 Wendell J. Jones

12 Attorney for Plaintiff

ERY HERNANDEZ

13  
14 Dated: June 7, 2011

**BRYAN CAVE LLP**

15 By: /s/ Lily R. Robinton

16 Lily R. Robinton

17 Attorneys for Defendant

18 BANK OF AMERICA CORPORATION  
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~~PROPOSED~~ ORDER

The Court, having duly considered the Parties' stipulation set forth above, hereby finds as follows:

1. Defendant's time to respond to Plaintiff's Complaint shall be extended so that Defendant shall file its response to Plaintiff's Complaint on or before July 29, 2011.
2. The Trustee Sale with respect to real property located at 320 Primavera Drive, Hollister, California 95023 shall be postponed until no earlier than August 1, 2011.
3. The date of initial case management conference ~~shall be~~ <sup>is</sup> continued <sup>to</sup> August 30, 2011 <sup>1:30 p.m. All related deadlines are adjusted accordingly.</sup> ~~or such future date as the Court shall determine.~~

**IT IS SO ORDERED.**

Dated: June 13, 2011

  
Hon. Howard R. Lloyd Magistrate Judge  
United States District Court  
Northern District of California

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